

## **Subcommittee on Interim Strong Mayor**

Staff Report on Intergovernmental Relations

by James Ingram and Job Nelson

The Subcommittee requested follow-up research regarding intergovernmental relations, which the members began addressing at our last meeting.

### *Staff Discussion*

A city's intergovernmental relations (IGR) are analogous to its foreign policy. The present charter is largely silent on the issue of who is to represent the City in its relationships with other governmental entities. Charter section 24 does state that: "The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for purposes of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes." Charter section 265(a) echoes this section, but does not amplify it. Because the Charter vests all legislative authority in the Council, subject to the Mayor's veto and Council override, the matter of establishing the city's policy for IGR has fallen into the Council's hands.

In actual operation, the City appears to have transferred the IGR function between different officers for many years. It is important that a city speak with one voice in terms of its IGR goals. If the City has 10 different voices when addressing other governmental entities, then what is the City's actual position? If the City does not seek important state or federal action with a united front, what is the likelihood that San Diego will achieve important policy goals and acquire funding from other levels of government when it is available?

### *Proposed Charter Language*

#### Option 1: Legislative Program Subject to Confirmation

Article XV, Section 265

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(b) In addition to exercising the authority, power, and responsibilities formally conferred upon the City Manager as described in section 260(b), the Mayor shall have the following additional rights, powers, and duties:

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(16) Represent the City before state and federal legislative and administrative bodies. The Mayor shall propose and administer a state and federal legislative program for The City of San Diego and that Legislative Program shall be subject to confirmation by the City Council.

#### Option 2: Legislative Program Following Current Municipal Code

Article XV, Section 265

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(b) In addition to exercising the authority, power, and responsibilities formally conferred upon the City Manager as described in section 260(b), the Mayor shall have the following additional rights, powers, and duties:

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(16) Represent the City before state and federal legislative and administrative bodies. The Mayor shall be responsible for planning, recommending, coordinating

and administering a state and federal legislative program for The City of San Diego in accordance with legislative guidelines established by City Council Policy.

### *Staff Analysis*

If the Subcommittee decides to adopt Option 2, then it would be important to explore the issue of whether the legislative guidelines are subject to Mayoral veto.

Other cities do explicitly provide a method for establishing IGR in their charter. For example, New York City authorizes the Mayor to submit the city's strategic policy statement, and finalize that document after feedback from other city officials. New York's City Charter also authorizes the Mayor's Office of Operations to "recommend legislative proposals or other initiatives that will benefit people with mental retardation or developmental disabilities" (Section 15). Finally, the city's charter provides the Mayor and his or her agents with authority over coordinating virtually every city function with those of state and federal agencies.

So far, staff has found that other cities also provide a process for handling IGR in their charters. Philadelphia appears to grant the Mayor exclusive authority in this area. Los Angeles has created a process in which both the Mayor and the Council are involved, but in which the Council's Chief Legislative Analyst plays a key role. This research is still ongoing, and staff can present findings from a more extensive survey if the Subcommittee finds this would be helpful.

### *Relevant Sections from Other Cities' Charters and Municipal/Administrative Codes*

#### New York City

"§ 17. Strategic policy statement. a. On or before the fifteenth day of November of nineteen hundred ninety, and every four years thereafter, the mayor shall submit a preliminary strategic policy statement for the city to the borough presidents, council, and community boards. Such preliminary statement shall include: (i) a summary of the most significant long-term issues faced by the city; (ii) policy goals related to such issues; and (iii) proposed strategies for meeting such goals. In preparing the statement of strategic policy, the mayor shall consider the strategic policy statements prepared by the borough presidents pursuant to subdivision fourteen of section eighty-two.

b. On or before the first day of February of nineteen hundred ninety-one, and every four years thereafter, the mayor shall submit a final strategic policy statement for the city to the borough presidents, council and community boards. The final statement shall include such changes and revisions as the mayor deems appropriate after reviewing the comments received on the preliminary strategic policy statement."

"§ 15. Office of operations. a. There shall be, in the executive office of the mayor, an office of operations. The office shall be headed by a director, who shall be appointed by the mayor.

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d. 1. The city of New York recognizes that services for people suffering from mental retardation and developmental disabilities are provided by programs administered within a number of different city agencies, as well as by non-governmental entities. The city of New York further recognizes the need for

coordination and cooperation among city agencies and between city agencies and non-governmental entities that provide such services.

2. There shall be mental retardation and developmental disability coordination within the office of operations. In performing functions relating to such coordination, the office of operations shall be authorized to develop methods to: (i) improve the coordination within and among city agencies that provide services to people with mental retardation or developmental disabilities, including but not limited to the department of health and mental hygiene, the administration for children's services, the human resources administration, department of youth and community development, the department of juvenile justice, and the department of employment, or the successors to such agencies, and the health and hospitals corporation and the board of education; and (ii) facilitate coordination between such agencies and non-governmental entities providing services to people with mental retardation or developmental disabilities; review state and federal programs and legislative proposals that may affect people with mental retardation or developmental disabilities and provide information and advice to the mayor regarding the impact of such programs or legislation; recommend legislative proposals or other initiatives that will benefit people with mental retardation or developmental disabilities; and perform such other duties and functions as the mayor may request to assist people with mental retardation or developmental disabilities and their family members."

#### Philadelphia

"Section 4-105

Promotion of the City.

It shall be the duty of the Mayor to exercise the powers of his office and to encourage among all the executive officers in the City the use of their official powers, to promote and improve the government of the City, to encourage the commercial and industrial growth of the City and of the Port of Philadelphia, and to promote and develop the prosperity and social well-being of its people.

ANNOTATION

Sources: No specific source.

Purposes: The Mayor is charged specifically with the duty of directing the efforts of the City government towards making the City a better place for its inhabitants. This envisages measures for commercial, industrial, economic and social well-being and development."

#### Los Angeles

#### Charter Sections

"Sec. 231. Powers and Duties.

The Mayor shall have the power and duty to:

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(h) represent the City in intergovernmental relations in accordance with City policy and supervise the City's intergovernmental relations function...."

"Sec. 254. Legislation Pending Before State and Federal Government

The Council, by resolution, may establish the official position of the City with respect to legislation proposed to or pending before the state or federal government. The resolution shall be subject to veto by the Mayor, and override of the Mayor's veto by a two-thirds vote of the Council. The Council, by ordinance, shall adopt procedures

to implement the provisions of this section, which procedures shall set the time periods for Council and Mayoral action."

#### Administrative Code Sections

"Sec. 2.19. Procedure for Establishing Official City Positions.

(a) Official City Positions. The provisions of this section shall govern the process for establishing the official positions of the City with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency. Once established as provided herein all such official positions shall be in writing and shall contain a summary of the proposed or pending legislation, rule, regulation or policy and the City's position thereon. Said positions may refer to a specific bill or to a type of legislation or policy. Copies of each shall be filed with the City Clerk. Any such position shall remain in effect as specified in the action taken or until modified or repealed as provided herein. No person or department affiliated with the City of Los Angeles may represent that the City of Los Angeles supports, opposes, seeks, wishes to amend or has any position regarding any legislation, rules, regulations or policies unless such position has been adopted as an official position of the City of Los Angeles.

(b) Adoption of City Positions on Legislation, Rules, Regulations and Policies.

(i) On or before October 1 of each year, the Mayor and each elected officer of the City shall submit to the City Council changes they wish the City to propose to local, state and federal laws. Prior to such submission, the Mayor shall survey the various City departments and offices to ascertain the changes such offices and departments wish to consider to local, state and federal laws, and those changes considered essential to such departments operations shall be included in the Mayor's submission to the City Council.

(ii) On behalf of the City Council, the Chief Legislative Analyst shall review each proposal and submit each proposal in the form of a resolution to the Council with recommendations for action thereon.

(iii) If any such resolution is adopted by the Council, the City Clerk shall present the resolution to the Mayor for consideration with the date of presentation affixed.

(iv) If the Mayor concurs with the resolution, the Mayor shall sign the resolution and return it to the Clerk, in which case the resolution becomes effective immediately. If the Mayor vetoes the resolution, the Mayor shall return it to the Clerk with a written statement of objections. If the Mayor does not veto the resolution within ten (10) working days after its presentation, or in a shorter time period as prescribed by a two-thirds vote of the Council in cases where expedited action is required, (which shorter time period shall not be less than two (2) working days) the resolution shall become effective.

(v) If vetoed by the Mayor, the Clerk shall present the resolution, with the objections of the Mayor, at the first Council meeting thereafter, consistent with applicable law, after the Clerk has received the Mayor's objections. By two-thirds vote, the Council may approve the resolution over the veto of the Mayor in the ten (10) meeting days of the City Council during which the Council has convened in regular session after its presentation by the Clerk; provided however, that if the Council has determined that expedited action is required as provided in clause (iv) above, then Council must act to approve the resolution over the veto of the Mayor in the same number of Council meeting days as the Mayor had in working days to veto such resolution.

(vi) Nothing contained herein shall affect the ability at any time of the Council to request, or of the Mayor, elected and appointed City officers, and departments to

submit proposals for changes to local, state and federal laws, rules, regulations and policies which are considered essential to their operations at any other time, and such proposals shall be acted upon in the same manner as provided in Clauses (ii) through (v) above.

(vii) Nothing contained herein shall affect the ability of the Council or the Mayor to initiate proposals at any other time for changes to local, state and federal laws, rules, regulations and policies. Such proposals shall be acted upon in the same manner as provided in Clauses (ii) through (v) above.

(c) Guidelines for Review of Pending Legislation, Regulations, Rules and Policies. The City Council in order to enable it to perform its work shall not later than December 1 of each even numbered year, adopt guidelines for use by the Chief Legislative Analyst in reviewing local, state and federal legislative proposals, including rules, regulations and policies and developing recommendations to the Council for official City positions with respect to such proposals. Any recommended positions on a legislative proposal developed by the Chief Legislative Analyst that is consistent with the Council's guidelines shall be incorporated into a resolution and submitted to the Council for its consideration. Any such resolution that is adopted by the Council shall be forwarded to the Mayor for consideration as provided in Section (b) Clauses (iii) - (v) above.

(d) Urgency positions. In the event that the Mayor and the President of the City Council, or the Chief Legislative Analyst acting on behalf of the President of the City Council, agree that exigent circumstances require that a legislative position be adopted immediately to protect the City's interests, such tentative legislative position shall be determined by them by mutual agreement and shall be deemed part of the City's legislative program and shall be communicated by the Mayor to the appropriate governmental agencies and shall simultaneously be referred to the Council in the form of a resolution for consideration at its next regular meeting, consistent with applicable law, and processing in the same manner as provided in (b) Clauses (ii) - (v) above. In the event that the Council disagrees with the Mayor and Council President, or their designees, such policy position shall cease to be an official City legislative position, and such fact shall immediately be communicated to the governmental agencies involved."